

APPEAL NO. 041716  
FILED AUGUST 20, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 8, 2004. The hearing officer determined that: (1) the appellant (claimant) has not sustained a compensable injury in the form of a repetitive trauma injury; (2) the respondent (carrier) is relieved from liability under Section 409.002, because the claimant failed to timely notify her employer of an injury as required by Section 409.001; and (3) the claimant has not had disability. The claimant appeals these determinations on sufficiency of the evidence grounds. The carrier urges affirmance.

DECISION

The decision and order of the hearing officer have become final pursuant to Section 410.169.

A written request for appeal must be filed within 15 days of the date of receipt of the hearing officer's decision, excluding Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government Code. Section 410.202(a) and (d). Texas Workers' Compensation Commission records indicate that the hearing officer's decision was mailed to the claimant on June 16, 2004. The claimant states, in his appeal, that he received the decision on June 18, 2004. The last date for the claimant to timely file an appeal was July 9, 2004. The appeal was postmarked on July 12, 2004. The appeal, therefore, is untimely.

The appeal being untimely, the jurisdiction of the Appeals Panel was not properly invoked and the decision and order of the hearing officer has become final pursuant to Section 410.169.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL  
DALLAS, TEXAS 75201.**

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Edward Vilano  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Elaine M. Chaney  
Appeals Judge